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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant Donald Bruce McDugle) Art Unit: 3617
Serial 10/726,465) Examiner
No. :
Filed: December 02, 2003) Cust. No. 22931
For: BOAT THRUSTER) Attorney
APPARATUS AND) Ref. No.: P114519
METHOD


MAIL STOP Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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July 6, 2004

Date


Carole Petralli

Sir or Madam,

Enclosed for filing in connection with the above application are the following documents:

- a) a transmittal form with the Declaration and Power of Attorney in the above application being attached, this being signed by one of the co-inventors, Mr. Donald Bruce McDugle, on behalf of himself and a non-signing co-inventor, Mr. Kevin Pattison;
- b) a Petition by Mr. Donald Bruce McDugle that the Declaration and Power of Attorney form be accepted by the U.S. Patent and Trademark Office as being signed by Mr. Donald Bruce

McDugle on his own behalf and also on behalf of his co-inventor Mr. Kevin Pattison;

- c) the Declaration of Mr. Graeme Wilson, President and Chief Executive Officer of Cap Sante Marine Ltd., presenting the facts that establish that Mr. Kevin Pattison has refused to sign the Declaration and Power of Attorney form in the above application, and he has no expectation that under the existing circumstances that Mr. Kevin Pattison will sign such a Declaration and Power of Attorney form;
- d) a further Declaration by Mr. Donald Bruce McDugle, one of the co-inventors, that Mr. Kevin Pattison, his co-inventor, does not intend, at least in the present and near future, to sign a Declaration and Power of Attorney form relating to the above noted patent application.

Signed at Bellingham, County of Whatcom, State of Washington, on this July 6, 2004.


Robert B. Hughes, Reg. No. 19,304
HUGHES LAW FIRM, PLLC
Pacific Meridian Plaza, Suite 302
4164 Meridian Street
Bellingham, WA 98226-5583
(360) 647-1296
Fax: (360) 671-2489



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Carole Petralli

PETITION

Petition by one joint inventor that the U.S. Patent and Trademark Office accept the Declaration and Power of Attorney form signed by said one co-inventor on behalf of himself and the other co-inventor.

I, Donald Bruce McDugle, having a home address of 1319 15th Street, Anacortes, Washington 98221 and being one of the co-inventors in the above noted patent application, hereby present the Declaration and Power of Attorney form signed by myself as a co-inventor and also in behalf of the other co-inventor, Mr. Kevin Pattison, this petition being made for the reason that Mr. Kevin Pattison has refused to sign the Declaration and Power of Attorney form. The relevant events are as follows:

1. On December 6, 2002, a U.S. Provisional Patent Application was filed by Mr. Robert B. Hughes of the Hughes Law Firm for, Boat Thruster Apparatus and Method, naming both myself and Mr. Kevin Pattison as co-inventors. At that time both Mr. Kevin Pattison and myself were both employees of Cap Sante Marine Ltd. There had been conversations and negotiations by Mr. Kevin Pattison and myself with Mr. Graeme Wilson,

- the President and Chief Executive Officer of Cap Sante Marine Ltd. about making an arrangement with Cap Sante Marine Ltd. whereby Cap Sante Marine Ltd. would be manufacturing and selling these thrusters which are the subject matter of the Provisional Application, with certain payments made to Cap Sante Marine Ltd., and also to the inventors, namely myself and Mr. Kevin Pattison.
2. On January 10, 2003, an Agreement was signed by Mr. Kevin Pattison, myself, and also by Mr. Graeme Wilson, on behalf of Cap Sante Marine Ltd., where the rights in the invention were assigned to Cap Sante Marine Ltd., and certain payments were to be made to the two inventors (myself and Mr. Kevin Pattison) and also to Cap Sante Marine Ltd.
 3. On September 3, 2003, the employment of Mr. Kevin Pattison by Cap Sante Marine Ltd. was terminated. I remained as a Cap Sante Marine Ltd. employee and I am still employed by Cap Sante Marine Ltd.
 4. On December 2, 2003 a Patent Application was filed by Mr. Robert B. Hughes, based upon the above noted Non-Provisional Application, naming both myself and Mr. Kevin Pattison as co-inventors, this being the above captioned Non-Provisional Patent Application.
 5. On January 15, 2004, Mr. Kevin Pattison and I met with Mr. Graeme Wilson at Mr. Wilson's office so that we could sign the necessary Declaration and Power of Attorney forms and also the Assignment forms in the above noted Non-Provisional Patent Application. Mr. Kevin Pattison refused to sign any of these documents and indicated that he would take them to his attorney.
 6. Subsequent to January 15, 2004, I had several conversations with Mr. Kevin Pattison and he has indicated that I made mistake in signing these

documents and that he was not going to sign them. He also indicated he believed that under that agreement Cap Sante Marine Ltd. would not give any money to the inventors.

7. I have a different view on the matter of the Agreement with Cap Sante Marine Ltd., in that there is that it is a valid Assignment Agreement and that I wish to have Cap Sante Marine Ltd. proceed with my cooperation in making the venture successful. Accordingly, it is necessary to have the Patent Application in proper order and ready to be examined by the U.S. Patent and Trademark Office. Further, I am totally convinced that unless some rather extraordinary events occur Mr. Kevin Pattison will not sign a Declaration and Power of Attorney form or any other forms relating to the above noted patent application.
8. Accompanying this Petition is the Declaration of Mr. Graeme Wilson. I have reviewed this Declaration of Mr. Graeme Wilson and to the best of my knowledge all of the statements made by Mr. Graeme Wilson in his Declaration are accurate and true.

I, Donald Bruce McDugle, hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application thereon.

EXECUTED this 2nd day of July, 2004.


Donald Bruce McDugle



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

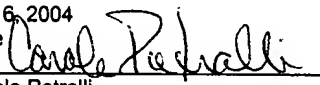
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July 6, 2004
Date


Carole Petralli

DECLARATION

I, Donald Bruce McDugle, having a home address of 1319 15th Street, Anacortes, Washington 98221, state and aver the following:

1. This declaration is given as an attachment to my petition that the U.S. Patent and Trademark accept the Declaration and Power of Attorney form for the above application signed by myself as one co-inventor on behalf of myself and the other co-inventor, Mr. Kevin Pattison.
2. On January 15, 2004, Kevin Pattison and I met with Mr. Graeme Wilson, who is the President and Chief Executive Officer of Cap Sante Marine Ltd., and Mr. Graeme Wilson and requested we sign the Declaration and Power of Attorney forms in connection with the above noted patent application to complete the proper filing of the application.

3. I signed the Declaration and Power of Attorney form, and also an Assignment form assigning my rights in the above noted patent application to Cap Sante Marine Ltd. Mr. Kevin Pattison refused to sign either of the Declaration and Power of Attorney form and the Assignment form and indicated that he was going to see his attorney.
4. Subsequent to January 10, 2004, I had several conversations with Mr. Kevin Pattison. He stated that he believed that I had made a mistake in signing these documents since he and myself would not receive any money under an assignment agreement that had been entered into previously. He stated that he had no intention of signing any of the documents, namely the Declaration and Power of Attorney form and also the Assignment form. I am fully convinced unless something extraordinary happens, Mr. Kevin Pattison will continue to refuse to sign any of these documents.

I, Donald Bruce McDugle, hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application thereon.

EXECUTED this 2nd day of July, 2004.


Donald Bruce McDugle



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July 6, 2004
Date


Carole Petralli

DECLARATION

I, Graeme Wilson, having an address of 5607 Sugarloaf Street, Anacortes, Washington 98221, state and aver the following:

1. I am currently the President and Chief Executive Officer of Cap Sante Marine, Ltd., and I have held that position since September, 2001.
2. Prior to December 6, 2002, Donald B. McDugle and Kevin D. Pattison were employees of Cap Sante Marine Ltd., and during their employment they had developed an invention relating to a "BOAT THRUSTER APPARATUS AND METHOD". At that time there were discussions between myself, representing Cap Sante Marine Ltd., and Mr. McDugle and Mr. Pattison as to whether a relationship with Cap Sante Marine Ltd. could be arranged for Cap Sante Marine Ltd. to manufacture and sell and the "BOAT THRUSTERS". There was an agreement in principle that an assignment of the patent application would be made to Cap Sante Marine Ltd., but it had not as yet been reduced to an actual written agreement.
3. On December 6, 2002, a Provisional application was filed (U.S.S.N.

60/431,285) entitled "Boat Thruster Apparatus and Method", naming Donald B. McDugle and Kevin D. Pattison as inventors..

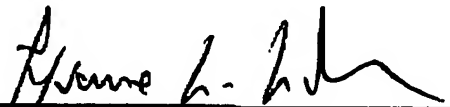
4. An Agreement was finalized on January 10, 2003, and this was in the form of a letter agreement dated January 9, 2003, with the letter being addressed to Donald B. McDugle and Kevin D. Pattison and signed by me, representing Cap Sante Marine Ltd. Donald B. McDugle, Kevin D. Pattison, and I executed the Agreement on January 10, 2003. A copy of the recorded Assignment is enclosed. On May 5, 2004, this Assignment Agreement was recorded in the U. S. Patent and Trademark Office.
5. On September 3, 2003 Mr. Pattison's employment with Cap Sante Marine Ltd. was terminated.
6. A non-provisional application based upon the above noted provisional application was filed on December 2, 2003. A short time after the non-provisional application was filed, a Declaration and Power of Attorney form and an assignment form for this regular patent application was prepared by the Hughes Law Firm, PLLC and was delivered to me so that the signatures of the inventors could be obtained.
7. On or about January 15, 2004, both Mr. Pattison and Mr. McDugle came to my offices at Cap Sante Marine Ltd. and both were asked to sign the Declaration and Power of Attorney form, and also an assignment form assigning rights in the non-provisional application. Mr. McDugle signed both of these documents. However, Mr. Pattison refused to sign either of these documents and indicated that he was taking the documents to

his lawyer.

8. Subsequent to that time, legal counsel for Cap Sante Marine Ltd. (i.e. Mr. William Knutsen, the general attorney for Cap Sante Marine Ltd. and also Mr. Robert Hughes, the patent attorney representing Cap Sante Marine Ltd.) had discussions with the legal counsel for Kevin D. Pattison (Mr. Jolly and Mr. David Deitz). Mr. Hughes has advised me that the position of Mr. Pattison communicated by Mr. Pattison's legal counsel is that Mr. Pattison claims the Assignment Agreement of January 10, 2003 is not valid and he is half owner of the Patent, and that Mr. Pattison declines to sign any documents requested by Cap Sante Marine Ltd. until the Agreement is revised to his satisfaction.
9. The position of Cap Sante Marine Ltd. is that there is a valid Agreement and there has been a valid Assignment of the patent application to Cap Sante Marine Ltd., and on June 4, 2004, William Knutsen acting on behalf of Cap Sante Marine Ltd. filed a Declaratory judgment action in the state of Washington, naming Kevin Pattison as a defendant (also naming Donald B. McDugle as a defendant, this being necessary as a matter of procedure, in spite of the fact that Mr. McDugle is quite willing to sign all documents and acknowledge the ownership of Cap Sante Marine Ltd. in the patent application and the invention) that the Agreement of January 10, 2003 is a valid and enforceable Agreement, and that all rights in the patent application belong to Cap Sante Marine Ltd.

I, Graeme W. Wilson, hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application thereon.

EXECUTED this 2ND day of JULY, 2004.



Graeme W. Wilson

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